

From: Harry Rectenwald  
Sent: Thursday, October 23, 2003 3:41 PM  
To: Scott Cantrell  
Cc: Steve Turek  
Subject: Fwd: RE: recommendations in 160

Scott-

Although this is a general document it would be helpful if it would offer some guidance on the balancing beneficial uses of water in the recommendation section. One recommendation that could be brought into the recommendation sections dealing with water management is on page 5-70, last paragraph in the section on ecosystem restoration called "Integrated Resources Planning" that states: " DWR will incorporate ecosystem restoration as a co-equal objective in water management projects, or will partner with restoration projects, to achieve net environmental benefit from water management actions"

I would recommend it be a water management objective as well as a planning objective so it gets actualized. Perhaps it should be Integrated Resource Management instead of planning  
The section on System reoperation should include such a recommendation, especially as we begin to consider the consequences of the Napa Proposition. As it stands now the reoperation section focuses on the quality of scientific data and assessment procedures and study needs rather than balancing designated beneficial uses of water (including fish and wildlife) in the process of reoperation.

I have some questions about some legal things I am not certain about. The document discusses balancing of beneficial uses but I could not find a clear explanation on how that is done. My understanding of the Water Code is that it requires a balancing of the beneficial uses that are designated in the basin plan. Each basin plan identifies beneficial uses of fish production spawning and migration for specific reaches in each river within the basin. If my understanding of the mechanics of this are right it seems the document should identify or reference the basin plan for each basin in the water management area so it is clear what designated beneficial uses are being balanced. Ecosystem benefits are what we really want to balance but that may be overly vague in the legal sense since the basin plans call it fish and wildlife propagation . In addition it should clearly explain how the public trust doctrine is applied to the management operations such as operation and reoperation of the SWP along with the CVP by virtue of the Coordinating Operating Agreement and the Napa Proposition.

Another question I have is the document has an emphasis on achieving the greatest balancing of beneficial use. I am not sure what that means. The state constitution speaks to maximizing the beneficial uses of water. If this is what is meant by greatest balancing then it may be better to state it as maximizing beneficial uses (maybe it is there and I missed it). In addition, it may be good to have a clear objective that operation and reoperation of existing projects along with operation of new storage projects will maximize beneficial use, including fish and wildlife uses.

Harry